

REMARKS

Claims 1-3, 7 and 9 are all the claims pending in the application, the claims having been amended to more clearly define the invention. Reconsideration of the application and allowance of all claims are respectfully requested in view of the above amendments and the following remarks.

The specification has been amended as requested by the examiner at page 2 of the Office action.

As to Paragraph 3 of the Office action, it is noted that claim 2 recites at line 5 that (1) the request is for a video information distribution service *about an area*, whereas claim 3 does not require that the request be for a video information distribution service about an area. On the other hand, claim 3 recites (2) the detection that *the mobile phone exists in a specific area*, and (3) the *detecting of radio channel traffic at a time when the mobile phone has been detected in the specific area*, and then (4) the distribution of video information about *the specific area* from the video contents server, and none of features (2)-(4) is recited in claim 2. Thus, while the claims may be similar in scope, they are not the same in scope, and are not properly objected to as duplicative.

As to Paragraph 4 of the Office action, claim 7 recites that (5) the video information about the area is distributed *when the mobile phone is in the area*, and claim 9 does not require that the mobile phone be in the area about which the distributed video information pertains. Claim 9, on the other hand, recites (6) a traffic monitoring device for measuring radio channel traffic, and recites that (7) the video information about the area is distributed when the traffic is

lower than a threshold. Claim 7 does not require any of features (6) or (7). Thus, while the claims may be similar in scope, they are not the same in scope, and are not properly objected to as duplicative.

The examiner rejects claims 1-3, 7 and 9 as unpatentable over Barnes et al (US 2005/0136949) in view of Shiotsu et al. Shiotsu is relied on to teach interrupting a display after a short period of time for power conservation purposes, and the examiner argues that it would have been obvious to adopt this feature in the system of Barnes et al. This rejection is again respectfully traversed.

At page 11, of the amendment filed January 24, 2011, applicant pointed out that Barnes does not check to see if the video information has been sent already and then displaying the video if it has not been sent before. In paragraph 7 at page 9 of the current Office action, the examiner disagrees, arguing that Barnes can receive video information and store it for future use, and then at page 10 of the Office action the examiner argues that when a device first enters an area it may receive a movie it has not received before. The examiner cites to paragraphs [0254] and [0361] of Barnes. Paragraph [0254] simply says that start, stop and duration times of advertisements can be based on a variety of factors, but none of those factors is whether or not the advertisement has already been sent to the mobile device before. Paragraph [0361] describes programming the mobile device so that, e.g., it will order a movie upon arrival in a particular area. This does not teach checking to see if the information has been sent before, but the examiner's reasoning appears to be that if the mobile has just arrived in the area and ordered the movie, it will be the first time the movie has been sent. So the examiner is reading the claim as

not requiring that the mobile check to see if the information has been sent before. Another way of looking at it is that if the mobile ALWAYS displays received video, then it will sometimes display video that has not been sent before, and that will allegedly satisfy the claim.

Applicant submits that the examiner is incorrect. Claim 1 recites that the video information is video information about the area. Barnes does not teach sending video information about the area to the mobile device and displaying it in real time if the phone is not in use and the video information has not been received before, as required in claim 1.

At page 12 of the response filed January 24, 2011, applicant explained that Barnes does not teach sending the video information only if the traffic is below a certain level. In paragraph 8 at pages 10-11 of the Office action, the examiner disagrees. It seems that the examiner is arguing that claim 2 requires sending the video information when the traffic is below a certain level, but does not recite sending the video information ONLY if the traffic is below a certain level. The examiner then cites to paragraphs [0060], [0066]-[0068] of Barnes, but these do not describe checking the amount of traffic but instead simply checking the bandwidth.

The claims have now been amended to clarify that the conditions recited in the claims are in fact conditions, the way the claims would have been read before by anyone of skill in the art but now this is more clearly recited to thereby preclude the unreasonable claim construction on which the examiner's rejections are based. Claim 1 as now amended requires that the real time display will *not* occur if the video information has already been provided to the mobile phone that is not in use. Claims 2 and 3 as now amended require that the distribution of the video information from the video contents server to the mobile phone based on push technology will

not occur when the detected traffic is above the threshold. Claim 7 as now amended requires that distribution of the video information from the video contents server to the mobile phone based on push technology will *not* occur when the mobile phone is not in the area, and that the real time display of the data will *not* occur if the mobile phone is in use or if the video information has already been provided. Claim 9 as now amended requires that the distribution of the video information from the video contents server to the mobile phone based on push technology will *not* occur when the detected traffic is above the threshold or when the mobile phone is not in the area, and also requires that the real time display will *not* occur if the mobile phone is in use or if the video information has already been provided to the mobile phone.

It is submitted that the claims as now amended cannot be read on the prior art or any obvious combination thereof, and allowance of all claims is requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: September 26, 2011

/DJCushing/
David J. Cushing
Registration No. 28,703